IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4467 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJ. ADIVASI YUVA VIKAS SANGH

Versus

GUJ. STATE KHADI GRAMODYOG BOARD

Appearance:

MR AKIL KURESHI for Petitioner

MR DD VYAS for Respondent No. 1

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 06/10/2000

ORAL JUDGEMENT :

The petitioner is a trust registered under the Bombay Public Trusts Act. The same is formed for the benefit of the persons belonging to scheduled tribe in Sabarkantha district and it carries on its activities for

the benefit of the persons belonging to scheduled tribe. The petitioner trust applied for loan and subsidy to respondent Board. It is the case of the petitioner that the said demand of the petitioner trust for loan and subsidy was sanctioned by the respondent Board, but thereafter in flagrant violation of rules the amount sanctioned was not paid to the petitioner trust. Hence the present petition was filed.

2. The petitioner had prayed for relief to the effect that,

"to direct the respondent Board to forthwith release the amount of subsidy (Rs.5,11,250/-) and amount of loan (Rs.4,50,000/-) .. .."

Interim relief was also prayed for in the same terms.

3. This Court issued notice on 7.10.1992 and thereafter rule came to be issued on 21.1.1994. Thereafter, the matter is now listed for final hearing. Looking to the facts and circumstances of the case, no effective relief can be granted with regard to the loan amount, which was a subject matter of the year 1991.

4. Learned advocate Mr.Akil Qureshi appearing for the petitioner submitted that interest of justice will be served if the Court directs the respondent Board to consider the application of the petitioner for similar subsidy and/ or loan under the present schemes with due sympathy and in strict adherence to the rules governing the same.

5. The request of the learned advocate for the petitioner is just and reasonable. Hence the same is granted. The respondent Board is directed to consider the application of the petitioner, made under the prevalent schemes for subsidy to which the petitioner is entitled to with due sympathy and in accordance with law. With the aforesaid directions, the present petition is disposed of. Rule is discharged with no order as to costs.

6th October 2000 (Ravi R. Tripathi, J.)

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